United Nations A/61/92

General Assembly

Distr.: General
12 June 2006

Original: English

Sixty-first session
Item 102 (c) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections

Election of the members of the International Law Commission

Note by the Secretary-General

1. The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947 for the promotion of the progressive development of international law and its codification. The Commission is composed of 34 members, whose term of office will expire at the end of 2006. The election of the members of the Commission for the next five-year term, beginning on 1 January 2007, will be held at the sixty-first session of the General Assembly.

2. Article 3 of the statute of the Commission requires that the members of the Commission be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. In accordance with that article and other relevant provisions of the statute of the Commission, the Secretary-General, in a note verbale dated 10 October 2005, requested the permanent representatives of States Members of the United Nations to submit to him by 1 June 2006 the names of the candidates whom the Governments of Member States might wish to nominate for election to the Commission, together with statements of qualifications of such candidates.

3. Article 6 of the statute of the Commission provides that the Secretary-General shall, as soon as possible, communicate to the Governments of States Members of the United Nations the names of the candidates nominated, and any statements of qualifications of candidates that may have been submitted by the nominating Governments. The nominations submitted by Governments to the Secretary-General, in reply to his request, are, pursuant to article 6 of the statute, set out below:

* A/61/50 and Corr.1

06-38365 (E) 130606

Name and nationality	*Nominated by*
Brownlie, Ian (United Kingdom of Great Britain and Northern Ireland)	United Kingdom of Great Britain and Northern Ireland, Canada, India, New Zealand
Buena, Arturo B. (Philippines)	Philippines
Caflisch, Lucius (Switzerland)	Switzerland
Candioti, Enrique J. A. (Argentina)	Argentina
Comissário Afonso, Pedro (Mozambique)	Mozambique
Daoudi, Riad (Syrian Arab Republic)	Syrian Arab Republic
Dugard, Christopher John Robert (South Africa)	South Africa
Economides, Constantine P. (Greece)	Greece
El-Murtadi Suleiman, Abdelrazeg (Libyan Arab Jamahiriya)	Libyan Arab Jamahiriya
Escarameia, Paula Ventura de Carvalho (Portugal)	Portugal
Fomba, Salifou (Mali)	Mali
Gaja, Giorgio (Italy)	Italy
Galicki, Zdzislaw W. (Poland)	Poland
Hassouna, Hussein A. (Egypt)	Egypt
Hmoud, Mahmoud D. (Jordan)	Jordan
Jacobsson, Marie G. (Sweden)	Sweden
Kamto, Maurice (Cameroon)	Cameroon
Kemicha, Fathi (Tunisia)	Tunisia
Kolodkin, Roman Anatolyevitch (Russian Federation)	Russian Federation
López Contreras, Carlos (Honduras)	Honduras
Matheson, Michael J. (United States of America)	United States of America
McRae, Donald M. (Canada)	Canada, Australia, India, Mexico, New Zealand, United Kingdom of Great Britain and Northern Ireland
Melescanu, Teodor Viorel (Romania)	Romania

Name and nationality	*Nominated by*
Momtaz, Djamchid (Islamic Republic of Iran)	Islamic Republic of Iran
Montiel Argüello, Alejandro (Nicaragua)	Nicaragua
Nichaus, Bernd H. (Costa Rica)	Costa Rica
Nolte, Georg (Germany)	Germany, France
Ojo, Bayo (Nigeria)	Nigeria
Pambou Tchivounda, Guillaume (Gabon)	Gabon
Pellet, Alain (France)	France, Germany, Slovakia
Perera, A. Rohan (Sri Lanka)	Sri Lanka
Petrič, Ernest (Slovenia)	Slovenia
Saboia, Gilberto Vergne (Brazil)	Brazil
Singh, Narinder (India)	India, Canada, United Kingdom of Great Britain and Northern Ireland
Solari Tudela, Luir (Peru)	Peru
Valencia-Ospina, Eduardo (Colombia)	Colombia
Vargas Carreño, Edmundo (Chile)	Chile
Vasciannie, Stephen C. (Jamaica)	Jamaica
Vázquez-Bermudez, Marcelo (Ecuador)	Ecuador
Versan, Rauf (Turkey)	Turkey
Wako, Amos S. (Kenya)	Kenya
Xue, Hanqin (China)	China
Yamada, Chusei (Japan)	Japan
Ziadé, Nassib G. (Lebanon)	Lebanon

4. The statements of qualifications of candidates received from the nominating Governments are to be found in a separate document.

5. The General Assembly, by its resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission should be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the resolution.

6. The rotational seat referred to in subparagraph (f) above was allocated to a national of an African State at the election held in 2001. Accordingly, the seat shall be allocated to a national of an Eastern European State at the forthcoming election.

7. The rotational seat referred to in subparagraph (g) above was allocated to a national of an Asian State at the election held in 2001. Accordingly, the seat shall be allocated to a national of a State of Latin America and the Caribbean at the forthcoming election.

8. Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 2007 will be as follows:

Eight nationals from African States;

Seven nationals from Asian States;

Four nationals from Eastern European States;

Seven nationals from Latin American and Caribbean States;

Eight nationals from Western European and other States.

9. The election will be held under the appropriate provisions of the statute of the Commission and of the rules of procedure of the General Assembly.

10. Article 2, paragraph 1, of the statute of the Commission provides that the Commission shall consist of persons of recognized competence in international law. Article 8 states that at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. Article 7 of the statute provides that the Secretary-General shall prepare the list provided for in article 3, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit the list to the General Assembly for the purposes of the election. The Secretary-General will at a later date, pursuant to article 7 of the statute, prepare and submit to the Assembly such a list of all the candidates nominated.

12. By rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot and, accordingly, under the terms of rule 88, there shall be no explanation of vote, either before or after the voting.

13. According to article 9 of the statute of the Commission, those candidates, up to the maximum number prescribed for each regional group, who obtained the greatest number of votes and at least a majority of the votes of the States Members present

and voting shall be elected. If the maximum number of persons prescribed for each regional group is not elected on the first ballot, there shall be additional ballots to fill the remaining places in accordance with the appropriate provisions of rule 94 of the rules of procedure of the General Assembly.

14. Article 10 of the statute of the Commission states that the members of the Commission shall be eligible for re-election. The current membership of the Commission, whose term expires at the end of 2006, is set out in the annex to the present note.

Annex

Current membership of the International Law Commission, whose term of office expires at the end of 2006

Emmanuel Akwei Addo (Ghana)

Husain Al-Baharna (Bahrain)

Ali Mohsen Fetais Al-Marri (Qatar)

João Clemente Baena Soares (Brazil)

Ian Brownlie (United Kingdom)

Enrique J. A. Candioti (Argentina)

Choung Il Chee (Republic of Korea)

Pedro Comissário Afonso (Mozambique)

Riad Daoudi (Syrian Arab Republic)

Christopher John Robert Dugard (South Africa)

Constantin P. Economides (Greece)

Paula Ventura de Carvalho Escarameia (Portugal)

Salifou Fomba (Mali)

Giorgio Gaja (Italy)

Zdzislaw Galicki (Poland)

Peter C. R. Kabatsi (Uganda)

Maurice Kamto (Cameroon)

James Lutabanzibwa Kateka (United Republic of Tanzania)

Fathi Kemicha (Tunisia)

Roman Anatolyevitch Kolodkin (Russian Federation)

Martti Koskenniemi (Finland)

William Mansfield (New Zealand)

Michael J. Matheson (United States of America)

Teodor Viorel Melescanu (Romania)

Djamchid Momtaz (Islamic Republic of Iran)

Bernd H. Niehaus (Costa Rica)

Didier Opertti Badan (Uruguay)

Guillaume Pambou Tchivounda (Gabon)

Alain Pellet (France)

Pemmaraju Sreenivasa Rao (India)

Victor Rodríguez Cedeño (Venezuela)

Eduardo Valencia-Ospina (Colombia)

Xue, Hanqin (China)

Chusei Yamada (Japan)

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Item 102 (c) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections

Election of the members of the International Law Commission

Note by the Secretary-General

Addendum

In a note verbale dated 31 May 2006, the Permanent Mission of Nicaragua to the United Nations informed the Secretary-General that the nomination of Alejandro Montiel Argüello as a candidate for election to the International Law Commission has been withdrawn.

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Items 17, 46, 52 (a), 54 (e), 106 (o) and 111 of the preliminary list*

The situation in the occupied territories of Azerbaijan

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Sustainable development: implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development

Globalization and interdependence: integration of the economies in transition into the world economy

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization for Security and Cooperation in Europe

Follow-up to the outcome of the Millennium Summit

Letter dated 12 June 2006 from the Permanent Representatives of Azerbaijan and Lithuania to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we have the honour to transmit herewith the joint declaration by the President of the Republic of Azerbaijan and the President of the Republic of Lithuania signed on 8 June 2006, in Baky, Azerbaijan.

We should be grateful if the present letter and its annex were distributed as a document of the General Assembly under items 17, 46, 52 (a), 54 (e), 106 (o) and 111 of the preliminary list.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative
Republic of Azerbaijan

(*Signed*) Dalius **Cekuolis**
Ambassador
Permanent Representative
Republic of Lithuania

* A/61/50 and Corr.1.

06-38818 (E) 190606

Annex to the letter dated 12 June 2006 from the Permanent Representatives of Azerbaijan and Lithuania to the United Nations addressed to the Secretary-General

Joint declaration by the President of the Republic of Azerbaijan and the President of the Republic of Lithuania

The President of the Republic of Lithuania, Valdas Adamkus, paid an official visit to the Republic of Azerbaijan on 8-9 June 2006 at the invitation of the President of the Republic of Azerbaijan, Ilham Aliyev.

Aiming to enhance the development of political, economic and social relations between the Republic of Lithuania and the Republic of Azerbaijan,

With the purpose to promote further development of Azerbaijan's cooperation with the European Union and the North Atlantic Treaty Organization (NATO),

Expressing their conviction that the present visit of the President of the Republic of Lithuania, Valdas Adamkus, to Azerbaijan would provide an important impetus to the further development of friendship and partnership between the two countries in the future,

The Parties declared following:

1. The President of the Republic of Azerbaijan and the President of the Republic of Lithuania confirmed that they will further develop bilateral political, economic and cultural contacts.

2. The Presidents noted their commitment to develop their relations on the basis of the values such as the rule of law, democracy, human rights and market economy. In this regard, the Lithuanian side welcomed the efforts of Azerbaijan aimed at strengthening the ongoing democratization, promoting the principles of civil society and market economy.

3. The Presidents supported the implementation of additional measures to ensure such a level of trade, economic, tourism, health, scientific, education, culture and technical cooperation between two countries which most fully corresponds with the capacity and potential of their dynamically developing market economies.

4. The Presidents expressed their readiness to assist in implementing effective economic projects between the two countries, creating favourable conditions for cooperation among public and private enterprises and establishment of their joint associations, developing the links between financial and banking structures.

5. They noted with satisfaction the positive influence of the European Neighbourhood Policy for the coming closer of the Republic of Azerbaijan to the European Union and expressed their interest in finalizing the Action Plan for Azerbaijan as soon as possible.

6. The Parties will develop a relationship aimed at assisting the Republic of Azerbaijan in the field of European and Euro-Atlantic integration. In this regard, the President of the Republic of Lithuania confirmed the readiness of Lithuanian public institutions to share their experience in the process of integration of the Republic of Azerbaijan into European and Euro-Atlantic structures in the following areas:

- Strengthening administrative capacity-building, sharing experience in the reform process and training of civil servants on European integration issues
- Conducting joint consultations, conferences and other activities on the issues of European integration
- Sharing experience in the field of harmonization of legislation with that of the European Union;
- Sharing experience in the development of communication strategies to inform society about the European Union and accumulate public support for reforms
- Successful implementation of the Individual Partnership Action Plan between NATO and the Republic of Azerbaijan
- Exchange of experience in the field of military reform by organizing joint meetings, consultations and training
- Adapting national legislation in the field of security and defence to NATO principles and requirements
- Encouraging cooperation between relevant non-governmental organizations

7. The Lithuanian side emphasized the importance of economic reforms for the Republic of Azerbaijan and expressed its support for Azerbaijan's World Trade Organization membership aspirations.

8. The Parties, fully supporting and guided by the principles of the United Nations Charter and the three principles adopted at the Summit Meeting of the States Members of the Organization for Security and Cooperation in Europe (Lisbon Summit), emphasized the importance of a peaceful solution of the Armenia-Azerbaijan Nagorno-Karabakh conflict on the basis of the universally recognized principles and norms of the international law, especially the principles of the sovereignty, territorial integrity and inviolability of the borders of the States.

9. Referring to the continuing efforts within the Organization for Security and Cooperation in Europe towards peaceful resolution of the Armenia-Azerbaijan Nagorno-Karabakh conflict, as well as the Minsk Group activity, the Parties reiterated the importance of taking more substantial and decisive steps in this regard.

10. The Parties reaffirmed the necessity of cooperation in combating organized crime, corruption, illegal migration, human trafficking, money laundering, illegal trafficking of drugs, psychotropic substances and precursors, toxic chemical substances, weapons, explosive materials, as well as hijacking and smuggling.

11. The Parties noted the growing importance of European energy security and also expressed their support for the development of energy transportation projects connecting energy resources of the Caspian Sea region with the European energy network. In this context they noted the international importance of the implementation of the Baky-Tbilisi-Ceyhan main export oil pipeline, the Baky-Tbilisi-Erzurum gas pipeline, the Baky-Tbilisi-Akhalkalaki-Kars railway project and other infrastructure projects.

12. The Presidents of the Republic of Azerbaijan and the Republic of Lithuania expressed their conviction that bilateral and international cooperation serves as the basis for the consolidation of peace and security. In this regard the

Parties will promote regional cooperation between the Baltic and Caspian Sea regions with strong emphasis on the intensification of the regional cooperation between the Baltic States and countries of the South Caucasus.

This joint declaration has been signed in Baky, on the 8th of June, 2006, in two original copies, in English.

(*Signed*) Ilham **Aliyev**
President
Republic of Azerbaijan

(*Signed*) Valdas **Adamkus**
President
Republic of Lithuania